

Town of Lancaster

TOWN PLANNING BOARD
21 Central Avenue
Lancaster, New York 14086

March 16, 2022

Planning Board Members:

Neil Connelly, Chairman
Rebecca Anderson
John Copas
Anthony Gorski
Joseph Keefe
Stanley Jay Keysa III
Lawrence Korzeniewski

Town Board Members:

Ronald Ruffino, Sr., Supervisor
Mark Burkard
Adam Dickman
Robert Leary
David Mazur

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Thomas Fowler, Jr.

Town Highway Superintendent:

John Pilato

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held March 16, 2022. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

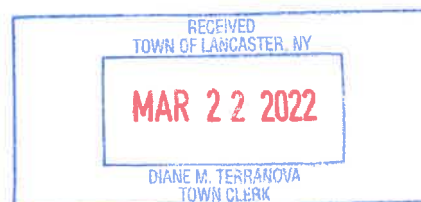
Sincerely yours,



Neil R. Connelly
Planning Board Chairman

NRC:cm

Encl.



A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 16th day of March 2022 at 7:00 P.M. and there were present:

PRESENT: Neil Connelly, Chairman
 Rebecca Anderson, Member
 Anthony Gorski, Member
 Joseph Keefe, Member
 Stanley Jay Keysa III, Member
 Lawrence Korzeniewski, Member

EXCUSED: John Copas, Member

ABSENT: None

ALSO PRESENT: None

Town Board Members: Councilman Dave Mazur

Other Elected Officials: None

Town Staff: Emily Orlando, Deputy Town Attorney
 Ed Schiller of Wm. Schutt & Assoc.
 Matt Fischione, Code Enforcement Officer

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

Roll Call of Planning Board Members

Chairman Connelly-Present

Rebecca Anderson-Present

John Copas-Excused

Anthony Gorski-Present

Stanley Jay Keysa III-Present

Lawrence Korzeniewski-Present

Joseph Keefe-Present

Minutes-A motion was made by Lawrence Korzeniewski to approve the minutes from the February 2, 2022 Planning Board Meeting. Motion seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Excused

Anthony Gorski-Yes

Stanley Jay Keysa III-Yes

Lawrence Korzeniewski-Yes

Joseph Keefe-Yes

Motion carried.

Minutes-A motion was made by Stanley Keysa to approve the minutes from the March 2, 2022 Planning Board Meeting. Motion seconded by Lawrence Korzeniewski.

Roll call as follows:

Chairman Connelly-Yes

Rebecca Anderson-Yes

John Copas-Excused

Anthony Gorski-Yes

Stanley Jay Keysa III-Yes

Lawrence Korzeniewski-Yes

Joseph Keefe-Yes

Motion carried.

TOWN OF LANCASTER PLANNING BOARD

COMMUNICATIONS FOR MARCH 16, 2022

- 3.16.01 SEQR response dated 3/10/22 from the NYS DEC regarding the proposed Dollar General, 5807 Broadway.
- 3.16.02 SEQR response dated 3/07/22 from the Erie County Division of Planning regarding Valvoline Oil Change at 4839 Transit Rd.
- 3.16.03 SEQR response dated 3/10/22 from the Erie County Division of Planning regarding Cross Creek Phase 9.
- 3.16.04 SEQR response dated 3/08/22 from the Erie County Division of Sewerage Management regarding Anderson's Site Amendment.
- 3.16.05 SEQR response dated 3/08/22 from the Erie County Division of Sewerage Management regarding Plumb Creek Apartments, 5680 Broadway.
- 3.16.06 SEQR response dated 3/08/22 from the Erie County Division of Sewerage Management regarding the proposed Motel & Mixed Use at 5827 Broadway.
- 3.16.07 Letter via email dated 3/03/22 from Dave Sutton, RA, representing Anderson's, and response from Matt Fischione, Code Enforcement Officer, regarding a phased interior renovation permit, that would exclude all exterior improvements.
- 3.16.08 ZBA minutes from the 3/10/22 meeting.
- 3.16.09 Letter dated 3/10/22 from Ed Schiller, Town Engineer, with comments regarding 9 Division St.
- 3.16.10 Memos dated 3/07/22 from Michelle Barbaro, Deputy Highway Superintendent, indicating no issues with Plumb Creek Apartments, Dollar General, or the Motel & Mixed Use facility proposed for Broadway at Bowen.
- 3.16.11 Letter via e-mail dated 3/02/22 from Jeff Palumbo from Barclay Damon, representing 4781 Transit Rd. with responses to Building Department comments regarding the redevelopment of said property.
- 3.16.12 Letter via e-mail dated 3/02/22 from Alan Knauf of Knauf Shaw, representing Transit Rd. Strip Acquisitions LLC, owners of the shopping center and Tops Market, indicating their objection to the proposed project adjacent to their property, and asking the Planning Board to deny the rezone and site plan, unless their concerns are fully addressed.

- 3.16.13 Memo date 2/24/22 from the Amherst Planning Department, asking for comments and/or recommendations regarding proposed Automobile Dealership Building Additions, property located at 6868, 6886, 6888, and 6900 Transit Rd. (Basil Family Dealerships, Petitioner).
- 3.16.14 Memos dated 3/07/22 from John Pilato, Highway Superintendent, indicating no comment regarding the proposed Dollar General and the Plumb Creek Apartments.
- 3.16.15 Copy of resolution adopted by the Town Board on 3/07/22 approving the site plan for the enclosure of the existing outdoor dining patio and rebuild a new open outdoor dining patio, with 2 conditions. (Salvatore's)
- 3.16.16 Notice from the Town Attorney's Office that a SEQR will be held on 3/16/22 for Anderson's Frozen Custard site plan.
- 3.16.17 Response dated 3/13/22 from Neil Connelly, PB Chair, to Laurie Bracci Hatt, regarding the removal of signage at Tim Horton's, Transit Rd., south of Michael Anthony Lane.

Planning Board Minutes

SEQR Review

March 16, 2022

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 16th day of March 2022 at 7:04p.m. and there were

PRESENT: REBECCA ANDERSON, PLANNING BOARD MEMBER
ANTHONY GORSKI, PLANNING BOARD MEMBER
JOSEPH KEEFE, PLANNING BOARD MEMBER
STANLEY JAY KEYSA III, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

EXCUSED: JOHN COPAS, PLANNING BOARD MEMBER

ALSO PRESENT: DAVID MAZUR, TOWN COUNCILMAN
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER
EDWARD SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.
EMILY ORLANDO, DEPUTY TOWN ATTORNEY

PURPOSE OF MEETING:

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE
ANDERSON'S FROZEN CUSTARD
4855 TRANSIT ROAD

The Planning Board reviewed the Short Environmental Assessment Form with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form entitled "Part 2 Impact Assessment" which was provided to each member.

PLEASE TAKE NOTICE, that the Planning Board of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEQRA), has reviewed the following described proposed action, which is an **unlisted** action, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and further recommends that the lead agency issue a **Negative Declaration** for the purposes of Article 8 of the Environmental Conservation Law in accordance with §617.12.

NAME AND ADDRESS OF LEAD AGENCY

Lancaster Town Board
21 Central Avenue
Lancaster, New York 14086
Thomas E. Fowler, Jr. , Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving 1.2004 approximate acres.

The location of the premises being reviewed is 4855 Transit Road, Depew, New York 14043, Erie County.

This project described as an interior renovation, addition of a drive thru, modification of existing outdoor patio space and parking lot with .17121 acre physically disturbed area.

THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED BY MEMBER GORSKI, WHO MOVED ITS ADOPTION, SECONDED BY MEMBER ANDERSON,

TO WIT:

REASONS SUPPORTING RECOMMENDATION

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? **No impact.**
2. Will the proposed action result in a change in the use or intensity of use of land? **No impact**
3. Will the proposed action impair the character or quality of the existing community? **No impact**
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? **The Town of Lancaster has not established a Critical Environmental Area (CEA).**
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? **No impact**
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? **No impact**
7. Will the proposed action impact existing:

- a. Public/private water supplies? **No impact**
- b. Public/private wastewater treatment utilities? **No impact**
- 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? **No impact**
- 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? **No impact.**
- 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? **No impact.**
- 11. Will the proposed action create a hazard to environmental resources or human health? **No impact**

and,

BE IT FURTHER

RESOLVED, that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

REBECCA ANDERSON, PLANNING BOARD MEMBER	VOTED YES
JOHN COPAS, PLANNING BOARD MEMBER	EXCUSED
ANTHONY GORSKI, PLANNING BOARD MEMBER	VOTED YES
JOSEPH KEEFE, PLANNING BOARD MEMBER	VOTED YES
STANLEY JAY KEYSA III, PLANNING BOARD MEMBER	VOTED YES
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER	VOTED YES
NEIL CONNELLY, PLANNING BOARD CHAIRMAN	VOTED YES

The Motion to recommend was thereupon adopted.

March 16, 2022

DISCUSSION ITEMS:

ARCHITECTURAL REVIEW

Chair Connelly introduced discussion on the possibility of an Architectural Review Board so the town would have more say on design standards. Some towns in New York State currently have such boards. In the Town of Newburgh, there is a handbook on guidelines for architecture and design, with the Planning Board also acting as the ARB. Other towns focus on certain areas of their towns to maintain standards in those particular areas. Some towns have an ARB that meet on an as needed basis. It was suggested that we look at Hamburg and Jamestown for comparison purposes and possibly as a model for Lancaster. Right now our code does not give the town much leverage in demanding certain standards be met. It would have to be decided if we would wish to move forward, and how it can be incorporated into our code. Chair Connelly asked Councilman Mazur to take back to the Town Board to see if they would like the Planning Board to pursue an ARB.

TRANSIT ROAD ACCESS MANAGEMENT

Some correspondence has been received indicating the difficulties of access to Transit Road from Michael Anthony Lane, especially making a left turn. The Tim Horton's south of Michael Anthony Lane had signage and a concrete island prohibiting a left turn. This was apparently an unsafe situation as drivers were ignoring the signs and sometimes jumping the island. Therefore the Code Enforcement Officer at the time (2008) allowed for full access and removal of the island. The NYS DOT concurred after receiving confirmation that the town was granting the full access. This exacerbates the situation at Michael Anthony Lane because vehicles line up in the turn lane making a left turn onto Transit Road even more difficult. The Planning Board, as an advisory body, is searching for options to recommend to the Town Board. Some ideas included: 1. Opening up the stub street that connects with South Penora near the cell towers. 2. Slowing traffic by instituting a 35 mph from Como Park Blvd. to French Road 3. The light at Delta Sonic is being installed and should help the situation by creating "platooning", which would set up openings in intervals. 4. Extend the road from Kohl's to Park Lane Apartments. We will continue to look at options to help improve the situation.

BRADLEY AND BROOKSTONE COURT

There is a disagreement between a developer and the Town on building a single home at the end of Bradley. The Town CEO as well as the Town Attorney contend that the developer must come back to the Planning Board for site plan because the project requires a proper termination/turn around at the end of Bradley. Chair Connelly will contact Mike Metzger, representing the developer, indicating the Town's position is firm and the developer can not merely get a permit to build a single family home there.

Other items discussed

Matt Fischione, CEO, mentioned that 4779 Transit Road, the plaza behind Forestview, north of Tops, will redo its façade. Also, 4401 Walden Avenue has been issued a stop work order.

Ed Schiller, Town Engineer, is working with Chuck Malcomb, attorney, to find out how long the developers have in responding to the positive declarations that were issued for the Stutzman Road Subdivision and the Siebert Road Subdivision.

Apple Rubber's project which was pending will now move forward.

Chair Connelly made a motion to adjourn the meeting at 8:20p.m., seconded by Stanley Keysa.
Motion carried.